

ATTACHMENT NUMBER ONE
QUALIFICATION CRITERIA
FOR
CORRECTIONAL FACILITY IN CHARLOTTE COUNTY
(DRAKES BRANCH) VIRGINIA

I. BONDING:

Hensel Phelps Construction Co. (the "Contractor") can secure bonding for this project in an amount equal to or greater than the amount established by the agency from a surety company **(1)** listed in the United States Department of Treasury, Federal Register, Circular 570: Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies; and **(2)** licensed to transact fidelity and surety business in the Commonwealth of Virginia. **A statement from the contractor's surety/bonding company is provided herein.**

II. EXPERIENCE:

Firm Experience:

Within the last five (5) years, Hensel Phelps Construction Co. has undertaken **fifteen (15) correctional facility projects similar in scope to the Correctional Facility in Charlotte County VA.** These projects total \$1,355,106,122.

Key Personnel Experience:

The proposed **Project Manager, Marvin Moran** has served as project manager on at least three (3) projects in the last five years of similar or comparable scope, one of those within the past two years. See Attachment 4 for Mr. Moran's resume.

The **proposed Superintendent, Kenneth Arnold** has served as Superintendent on at least three (3) projects in the last five years of similar or comparable scope. See Attachment 4 for Mr. Arnold's resume.

III. JUDGMENTS:

Any judgment(s), whether one or several, entered against the contractor for breach of contract for construction within the past ten (10) years may be grounds for denying prequalification, at the agency's sole discretion, after due consideration of the date(s), amount(s), facts and circumstances.

IV. SUBSTANTIAL NON-COMPLIANCE:

Any of the following may be grounds for denying prequalification, at the agency's sole discretion, after review and consideration of the dates, facts and circumstances.

The contractor:

- in the last three (3) years has **received a final order for failure to abate or for a willful violation** by the US OSHA or by the Virginia Department of Labor and Industry or any other government agency; or,
- has **paid liquidated damages** for failure to complete a project by the contracted date on more than two (2) projects in the last five (5) years; or,
- has **paid actual damages** resulting from failure to complete a project by the contacted date on more than two (2) projects in the last five (5) year; or
- has **been terminated** for cause on a contract in the last five (5) years; or
- was **more than thirty (30) days late, without good cause**, in achieving the contracted substantial completion date where there was no liquidated damage provision on more than two (2) projects in the last three (3) years; or
- has **received more than two (2) cure notices** on a single project in the past two (2) years and/or more than one (1) cure notice on five (5) separate projects in the past five (5) years (see Sections 19d and 41 of General Conditions); or
- has **had repeated instances** on a project of **installation and workmanship deviations which exceed the tolerances in the standards referenced** in the contract documents. Documentation of such instances shall be the written reports and records of the owner's representatives on the project; or
- has **finally completed a project** more than 90 days after achieving substantial completion on two (2) or more projects in the last three (3) years , for reasons within the contractor's control. Documented delay of delivery of material necessary to perform remaining work or seasonal conditions that bear on performing the work or operating specific equipment or building systems shall be considered in mitigation; or
- has had **Performance or Payment Bond claims paid on its behalf** in the last three (3) years.

NOTE: *If the agency intends to deny prequalification based on any of the above, it shall obtain written documentation evidencing same, pursuant to Section 2.2-4317 of the Code of Virginia, prior to such denial.*

V. CONVICTIONS:

Any of the following may be grounds for denying prequalification, at the agency's sole discretion, after review and consideration of the dates, facts and circumstances.

The contractor or any officer, director, project manager, procurement manager, chief financial officer, partner or owner of the construction company in the past ten (10) years:

- a) has **been convicted** on charges relating to **conflicts of interest**;

- b) has **been convicted** on charges relating to any **criminal activity** relating to contracting, construction, bidding, bid rigging or bribery;
- c) has **been convicted** on charges relating to **employment of illegal aliens** on construction projects.
- d) has **been convicted**: (i) under Va. Code Section 2.2-4367 et seq. (Ethics in Public Contracting); (ii) under Va. Code Section 18.2-498.1 et seq. (Va. Governmental Frauds Act); (iii) under Va. Code Section 59.1-68.6 et seq. (Conspiracy to Rig Bids); (iv) of a criminal violation of Va. Code Section 40.1-49.4 (enforcement of occupational safety and health standards); or (v) of violating any substantially similar federal law or law of another state

VI. DEBARMENT:

The following may be grounds for denying prequalification, at the agency's sole discretion, after review and consideration of the dates, facts and circumstances:

The contractor or any officer, director, project manager, procurement manager, chief financial officer, partner or owner of the construction company in the past ten (10) years: has been **debarred** by any agency or political subdivision of the Commonwealth of Virginia, by any agency of the United States or by any agency of another state.



6060 South Willow Drive, Suite 200
Greenwood Village, CO 80111

Richard C. Schultz
Regional Vice President
Denver Hub
Phone Number (720) 200-8423
Fax Number (720) 200-8398

Gene M. Johnson, Director
Virginia Department of Corrections
6900 Atmore Drive
Richmond, VA 23225

Re: Request for Qualifications
Corrections Facility in Charlotte County
(Drakes Branch) Virginia

Dear Mr. Johnson,

Travelers Casualty and Surety Company, Hartford, CT, (NAIC #19038) a subsidiary of The St. Paul Travelers Companies, Inc. is an admitted surety, listed in the United States Department of Treasury, Federal Register, **Circular 570,: Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds as Acceptable Reinsuring Companies**, approved by the Commonwealth of Virginia Department of Insurance and authorized and licensed to transact fidelity and surety business in the Commonwealth of Virginia has extended surety credit to Hensel Phelps Construction Co. and its affiliated companies for more than 45 years in connection with contracts aggregating billions of dollars. It is our opinion that Hensel Phelps Construction Co. is one of the outstanding design-build and general construction organizations in North America. Their skill, integrity, and financial responsibility are unquestioned.

Our established work program for Hensel Phelps Construction Co. authorizes this organization to bid contracts with performance and payment bond obligations of \$300 Million as part of a \$3.5 Billion backlog of work. Current available bonding capacity is well in excess of the minimum \$100 Million estimated contract budget. If selected for the award, it is our present intention to provide performance and payment bonds each in an amount equal to 100% of the total contract amount.

Please note this authorization is subject to our standard underwriting throughout the RFQ process, including a review of acceptable bond forms, contract financing, contract terms, and other standard underwriting considerations.

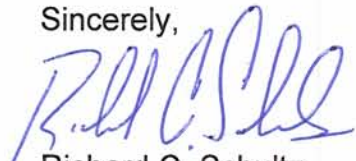
If you have any questions or desire additional information please contact:

Richard C. Schultz, Regional Vice President
Travelers Casualty and Surety Company
6060 South Willow Drive, Suite 200
Greenwood Village, CO 80111
(800) 525-8552 Ext. 8423

or contact the surety agent:

William C. Bensler
Flood & Peterson Insurance Agency
4687 W. 18th Street
Greeley, CO 80634-3216
(800) 356-2295

Sincerely,



Richard C. Schultz
Regional Vice President

Subscribed and Affirmed before me this
23rd day of April 2007:



Notary Public

KRISTEN C. FOX
NOTARY PUBLIC
STATE OF COLORADO

My Commission Expires Dec. 18, 2009